

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KENSAKU KOMAI

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Appeal No. 2001-2286  
Application 09/022,193

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HEARD: December 10, 2002

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Before FLEMING, DIXON, and BLANKENSHIP, Administrative Patent Judges.

FLEMING, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 7.

The invention relates to an electronic cash register that registers sales of merchandise. See page 1 of the specification. Appellant discloses on page 24 of the specification that figure 16 is a diagram showing an operational procedure for PLU special registration effecting special registration of sales information.

First, the identification code of the operator is entered, followed by the depression of the OPERATOR key 27. See pages 24 and 25 of the Appellant's specification. Next, of the plurality of the department shift keys 24, the desired department shift key 24 is depressed. In this way, the special registration process is specified. Then, of the plurality of product keys 26, the key 26 corresponding to the product to be registered is depressed. The PLU file table 40 is searched for the PLU code 46 that matches the PLU code associated with the depressed product key 26, and the corresponding unit price 44a, product name 45a, and product department 47 are read out. At the same time, the amount and quantity are totalized for each PLU code 46. At this time, the value of the product department is changed to the department code stored in one of the areas 35a to 35c of the department shift table 35 corresponding to the depressed department shift key 24. See page 25 of Appellant's specification.

Further, the amount and quantity are totalized in the department file table 39 for each department code 41 specified by readout and changed product department 47. See page 25 of Appellant's specification. The values of all product departments 47 at this time are changed to the department codes stored in areas 35a to 35c of the department shift table 35 corresponding

to the depressed department shift keys 24. Therefore, sales information associated with a special customer or a special purchaser can collectively be stored together in a specific area. See page 26 of Appellant's specification.

Claim 1 is the only independent claim present in the application and is reproduced as follows:

1. An electronic cash register comprising:

registration means for registering sales information of a plurality of items of merchandise;

sales information storage means for storing the sales information; and

control means for causing execution of an ordinary registration mode in which the sales information registered by the registration means is supplied to the sales information storage means;

the electronic cash register further comprising:

special registration process specifying means for specifying that special sales information of special items be subjected to a special registration process;

wherein the sales information storage means includes a first portion for storing sales information associated with each item, and a second portion for storing sales information associated with each of a plurality of purchasers, the second portion including a first sub-portion for storing sales information associated with respective ordinary purchasers and a second sub-portion for storing sales information associated with respective special purchasers,

wherein, when the special registration is specified by the special registration process specifying means, the control means causes execution of a special registration mode in which the

Appeal No. 2001-2286  
Application 09/022,193

sales information registered by the registration means is supplied to the second sub-portion for storing sales information of respective special purchasers, and

wherein the sales information stored in the first and second sub-portions includes a total quantity and a total price for at least one item,

thereby allowing the total quantity and the total price of the at least one item purchased by both ordinary and special purchasers to be output from said respective first and second sub-portions of said information storage means.

### **References**

The references relied on by the Examiner are as follows:

Suzuki	5,053,957	Oct. 1, 1991
Francisco et al. (Francisco)	5,799,283	Aug. 25, 1998
		(filed May 10, 1995)

### **Rejection at Issue**

Claims 1 through 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki in view of Francisco.

Rather than repeat the arguments of the Appellant or the Examiner, we make reference to the briefs<sup>1</sup> and answer for the respective details thereof.

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<sup>1</sup> Appellant filed an appeal brief on February 27, 2001. The Examiner in response mailed an Examiner's Answer on May 7, 2001. Appellant filed a reply brief on July 6, 2001. The Examiner mailed an office communication on July 17, 2001, stating that the reply brief has been entered.

**OPINION**

With full consideration being given to the subject matter on appeal, the Examiner's rejection and the arguments of Appellant and Examiner, for the reasons stated **infra**, we reverse the Examiner's rejection of claims 1 through 7 under 35 U.S.C. § 103.

In the brief and reply brief, Appellant argues that neither Suzuki nor Francisco teaches or suggests a means for executing a special registration mode in which registered sales information is stored in a second sub-portion of the special purchasers. Appellant further argues that neither Suzuki nor Francisco teaches or suggests a sales information storage means which includes total quantity and total price for each item sold.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." ***In re Hiniker Co.***, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Claims will be given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. ***In re Etter***, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir.) ***cert. denied***, 474 U.S. 828 (1985).

We note that independent claim 1 recites:

special registration process specifying means for specifying that special sales information of special items be subjected to a special registration process;

wherein the sales information storage means includes a first portion for storing sales information associated with each item, and a second portion for storing sales information associated with each of a plurality of purchasers, the second portion including a first sub-portion for storing sales information associated with respective ordinary purchasers and a second sub-portion for storing sales information associated with respective special purchasers,

wherein, when the special registration is specified by the special registration process specifying means, the control means causes execution of a special registration mode in which the sales information registered by the registration means is supplied to the second sub-portion for storing sales information of respective special purchasers, and

wherein the sales information stored in the first and second sub-portions includes a total quantity and a total price for at least one item.

We note that the Examiner has relied solely on Suzuki for the above limitations. However, upon our review of Suzuki, we find that the GOODS file section 31 of Suzuki stores only unit prices for different goods. Suzuki does not store sales information registered by the register means as required by Appellant's claim 1. In particular, the GOODS file section 31, as discussed in column 3, lines 1 through 21, is simply a table providing unit prices for different goods which can be sold at different customer levels, where level 0 corresponds to regular

goods and levels 1 through 3 correspond to special discounts. We fail to find any teaching or suggestion for storing sales information for goods in a sales information storage means having a second portion for storing sales information associated with each of a plurality of purchasers, the second portion including a first sub-portion of storing sales information associated with respective ordinary purchasers and a second sub-portion for storing sales information associated with respect to special purchasers. Furthermore, we fail to find that Suzuki or Francisco suggests or teaches that the sales information stored in the first and second sub-portions include a total quantity and a total price for at least one item as recited in Appellant's claim 1.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a ***prima facie*** case of obviousness. ***In re Oetiker***, 977 F.2d 1443, 1445, 24 USPQ 1443, 1444 (Fed. Cir. 1992). ***See also In re Piasecki***, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. ***In re***

***Fine***, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants.

***Oetiker***, 977 F.2d at 1445, 24 USPQ at 1444. ***See also Piasecki***, 745 F.2d at 1472, 223 USPQ at 788.

The factual inquiry whether to combine references under 35 U.S.C. § 103 must "be based on objective evidence of record." ***In re Lee***, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). This "showing must be clear and particular." ***In re Dembiczak***, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). "In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and combine them to render the claimed invention obvious." ***Lee***, 277 F.3d at 1343, 61 USPQ2d at 1434 quoting ***In re Fritch***, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). See also ***Dembiczak***, 175 F.3d at 999, 50 USPQ2d at 1617 quoting ***In re Rouffet***, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998). "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but



Appeal No. 2001-2286  
Application 09/022,193

must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **Lee**, 277 F.3d at 1344, 61 USPQ2d at 1434.

We fail to find that the Examiner has provided the requisite findings based on evidence of the record to support that the Appellant's claims 1 through 7 are properly rejected under 35 U.S.C. § 103. In particular, we fail to find that neither Suzuki nor Francisco or the combination thereof teaches or suggests a means for executing a special registration mode in which the registered sales information is stored in a second sub-portion for special purchasers or that the sales information storage means includes total quantity and total price for each item sold.

Appeal No. 2001-2286  
Application 09/022,193

In view of the foregoing, we cannot sustain the Examiner's  
rejection under 35 U.S.C. § 103.

***REVERSED***

MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
HOWARD B. BLANKENSHIP	)	
Administrative Patent Judge	)	

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Appeal No. 2001-2286  
Application 09/022,193

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